

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA)	
)	
v.)	Crim. No. 0419 5:21CR00008-001
)	
Angel Perez)	
Defendant)	

**AGREED ORDER AND JUDGMENT
TO REVOKE SUPERVISED RELEASE**

Upon Petition of the U.S. Probation Office, joined herein by the United States and the defendant, to revoke the supervised release of defendant Angel Perez, for good cause shown therein, and based on agreement of the parties as set forth herein:

AGREEMENT OF UNITED STATES AND DEFENDANT

The defendant stipulates and agrees that the government may prove the facts pertaining to the New Law Violation(s) alleged in the Petition by way of the written proffer set forth by the Probation Office in the Petition. That written proffer provides as follows:

1. **NEW LAW VIOLATION (Date violation concluded: 7/22/2021).**
The defendant has violated the condition of supervision that states, "The defendant shall not commit another federal, state, or local crime," in that, on or about 7/22/2021, the defendant did strike his brother, Ramon Luis Rodriguez, Sr., multiple times about the head and face resulting in a laceration to the eye requiring stitches and a closed head injury. The defendant was charged with Assault and Battery, in violation of N.C.G.S. 14-33(A), and the case is pending in North Carolina District Court, Lincoln County with a next scheduled court date of 5/19/2022 as of the date of this report. (Docket # 21CR 51645) **This violation was addressed in the modification noted above dated 2/11/2022. (Grade C)**

2. **NEW LAW VIOLATION (Date violation concluded: 9/5/2021).**
The defendant has violated the condition of supervision that states, "The defendant shall not commit another federal, state, or local crime," in that, on or about 9/5/2021, the defendant unlawfully and willfully did use words and language in a telephone communication with his brother's girlfriend, Lillian Vivas, threatening to inflict bodily harm on his brother, Ramon Luis Rodriguez. The defendant was charged with Threatening Phone Call, in violation of N.C.G.S. 14-196(A)(2), this case remains pending in North Carolina District Court, Lincoln County with a next

scheduled court date of 5/19/2022 as of the date of this report. (Docket # 21CR 52012). This violation was addressed in the modification noted above dated 2/11/2022. (Grade C)

3. **NEW LAW VIOLATION (Date violation concluded: 2/7/2022).**
The defendant has violated the condition of supervision that states, "The defendant shall not commit another federal, state, or local crime," in that, on or about 2/7/2022 the defendant was charged with Failing to Secure Passenger Under 16, in violation of N.C.G.S. 20-137.1 in Lincoln County, NC (Docket # 22IF 700380). As of the date of this report this charge remains pending with a next scheduled court date of 5/20/2022. (Grade C Violation)
4. **NEW LAW VIOLATION (Date violation concluded: 2/25/2022).**
The defendant has violated the condition of supervision that states, "The defendant shall not commit another federal, state, or local crime," in that, on or about 2/25/2022 the defendant was charged with Driving While License Revoked (not impaired) in violation of N.C.G.S. 20-28(A) in Lincoln County, NC (Docket # 22CR 701068). As of the date this report this charge remains pending with a next scheduled court date of 8/5/2022. (Grade C Violation)
5. **NEW LAW VIOLATION (Date violation concluded: 2/28/2022).**
The defendant has violated the condition of supervision that states, "The defendant shall not commit another federal, state, or local crime," in that, on or about 2/28/2022 the defendant was charged with Driving While License Revoked (not impaired) in violation of N.C.G.S. 20-28(A) in Gaston County, NC (Docket # 22CR 703277). As of the date this report this charge remains pending with a next scheduled court date of 5/18/2022. (Grade C Violation)

The defendant does not contest, but does not admit, said facts for the purpose of this supervised release violation proceeding, and the defendant offers no contrary evidence. The defendant further stipulates and agrees that the Court may find facts and make determinations as to guilt or innocence of said New Law Violation(s) based on the written proffer set forth by the Probation Office in the Petition.

With respect to all of the Violations alleged in the Petition except for the New Law Violation(s), the defendant stipulates and agrees that he/she did, in fact, violate the conditions of supervised release as alleged. Accordingly, the defendant stipulates and agrees that he/she has violated the terms and conditions of supervised release in the following respects:

6. DRUG/ALCOHOL USE (Date violation concluded: 4/13/2022).

The defendant has violated the condition of supervision that states, "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance, or any paraphernalia related to any controlled

substances, except as prescribed by a physician," in that, the defendant submitted to urinalysis testing on the following dates which yielded positive results for marijuana: 12/8/2021 (confirmed through national laboratory testing and written admission of use signed 12/8/2021); 2/3/2022 (confirmed through national laboratory testing and written admission of use signed 2/11/2022). **These violations were addressed in the modification noted above dated 2/11/2022.** In addition, Mr. Perez tested positive for marijuana, cocaine and amphetamines on 4/14/2022 (Mr. Perez signed a written admission of use for marijuana on 4/14/2022; cocaine was confirmed through national laboratory testing, and there was not enough sample to confirm for methamphetamine). (Grade C Violation)

The parties stipulate, pursuant to Chapter 7 Policy Statements, U.S. Sentencing Guidelines, that the defendant has a Criminal History Category of II and, if the Court finds the defendant guilty of the New Law Violation(s) set forth above, that the defendant's violations are a maximum Grade C.

Based thereon the parties stipulate, pursuant to U.S.S.G. §7B1.4, that the Guidelines range of imprisonment for a Grade C violation and a Criminal History Category of II is a term of imprisonment from 4 to 10 months.

If accepted by the Court, the parties agree, pursuant to Federal Rules of Criminal Procedure 11(c)(1)(C) and 32.1, that the Court should revoke supervised release and order the defendant to be imprisoned for a period of 10 months, with no supervision to follow, as set forth below in the Agreed Sentence section of this Order. If the Court rejects this sentencing agreement, the defendant has the right to withdraw from this Agreed Order and have an evidentiary hearing on the Petition for revocation of supervised release.

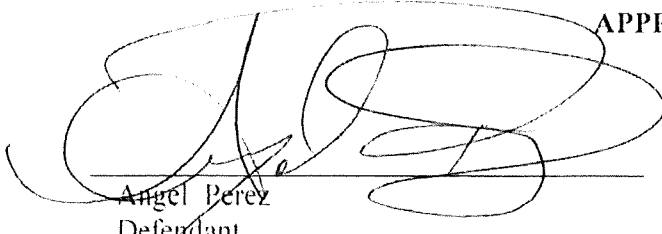
DEFENDANT'S ACKNOWLEDGMENT AND WAIVER

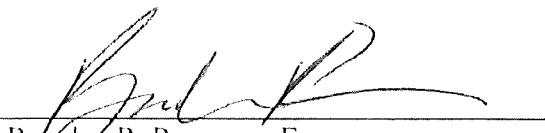
The defendant acknowledges that he/she has had an opportunity 1) to review the written notice of the alleged violations of supervised release and 2) to review the evidence against him/her related to those alleged violations.

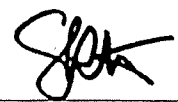
The defendant further acknowledges that he/she is aware of the following rights and is knowingly waiving these rights in exchange for the agreed sentence:

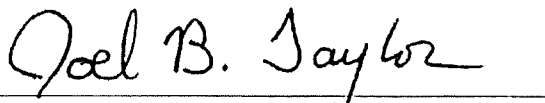
- 1) The opportunity to appear personally, present evidence, and question adverse witnesses at a revocation hearing; and
- 2) The opportunity to make a statement personally to the Court in mitigation of sentence and to present mitigating evidence to the Court.

If the Court accepts the agreed sentence, the defendant knowingly waives the right to contest the revocation of supervised release and the defendant's sentence in any appeal or post-conviction action. Claims of (1) ineffective assistance of counsel and (2) prosecutorial misconduct, and those claims only, are exempt from this waiver.


APPROVED
Angel Perez
Defendant


Brandon R. Roseman, Esq.
Attorney for Defendant


Steven R. Kaufman
Assistant United States Attorney


Joel B. Saylor
Supervisory U.S. Probation Officer


Probation Officer

AGREED SENTENCE

Based on the foregoing, the Court finds as fact by a preponderance of the evidence that the Defendant is guilty of the alleged violations of supervised release, including the New Law Violation(s) set forth in the Petition.

Upon agreement of the parties as set forth above, it is hereby ORDERED that the previously imposed period of supervised release is REVOKED.

It is further ORDERED that the defendant Angel Perez be and is hereby SENTENCED to a term of imprisonment of 10 months on Count One of the Judgment.

It is further ORDERED that no further term of supervised release is imposed to follow defendant's release from the sentence of imprisonment ordered herein.

So ORDERED and ADJUDGED, this the 1st day of June, 2022.


Kenneth D. Bell
U.S. District Court Judge